

IN THE DISTRICT COURT OF LE FLORE COUNTY
STATE OF OKLAHOMA

DANIEL HOLDMAN, M.D. AND
NES OKLAHOMA, INC.,

Plaintiff,

vs.

ALLIED WORLD SPECIALTY INSURANCE,
COMPANY F/K/A DARWIN NATIONAL
ASSURANCE COMPANY,

Defendant.

Case No.

CJ-17-80

FILED
APR 20 2017

MELBA L. HALL, COURT CLERK
STATE OF OKLA.-LEFLORE COUNTY

PETITION

Plaintiffs, for Petition against Defendant, state:

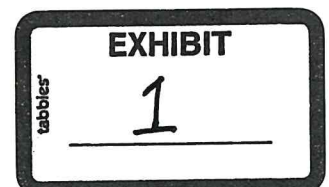
Plaintiff, Daniel Holdman, M.D (Dr. Holdman) is a Board Certified physician practicing in the State of Oklahoma.

(1) On August 26, 2010, Dr. Holdman entered a contract with Plaintiff NES Oklahoma, Inc. (NES) to be an independent contractor physician with NES.

(2) NES and the Eastern Oklahoma Medical Center (EOMC) had a contract under which NES would provide physicians and physician extenders to staff EOMC's Emergency Department. NES was not contracted to provide medical staffing to the Intensive Care Unit (ICU) at the hospital.

(3) On November 4, 2012, Dr. Holdman treated Stephen Simmons in the Emergency Department at EOMC. Mr. Simmons was later admitted to the Intensive Care Unit (ICU) at the hospital.

(4) While in the ICU, Mr. Simmons became combative and Dr. Holdman was called to assist in the ICU in getting Mr. Simmons calmed.



(5) Dr. Holdman was not paid by NES or EOMC to provide services in the ICU.

(6) When Dr. Holdman provided services to Mr. Simmons in the ICU, he provided those services voluntarily.

(7) Mr. Simmons was transferred to St. Edward Mercy Medical Center where he later died.

(8) The family of Mr. Simmons brought a wrongful death action against Dr. Holdman and another physician for the death of Mr. Simmons.

(9) Defendant provided a liability insurance policy for EOMC. The insurance policy provides coverage for volunteers providing services to EOMC.

(10) By virtue of his volunteer work in the ICU, Dr. Holdman was an insured under the policy when he provided services to Mr. Simmons.

(11) Counsel for NES placed Defendant on notice of a scheduled mediation in the wrongful death action against Dr. Holdman and requested that Defendant provide a defense and indemnity on behalf of Dr. Holdman and NES.

(12) Defendant refused to provide a defense on behalf of Dr. Holdman resulting in NES providing a defense at a cost of \$107,892.04 and ultimately paying a confidential amount to settle the claims against Dr. Holdman.

WHEREFORE, Plaintiffs prays judgment against Defendant, for its defense costs and the amount of the confidential settlement, and, pursuant to 36 O.S. section 3629, interest at 15%, costs, and attorney's fee, and all other appropriate relief.

Rex Travis

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